

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

ELLYSE WISSEL; MICHELLE §
ANDERSON; and MCLAIN MOTT, §
individually and on behalf of all others similarly §
situated, §
§
Plaintiffs, § Case No. 4:24-CV-999-P
§
v. §
§
RURAL MEDIA GROUP, INC., §
§
Defendant. §

OPPOSED MOTION FOR EXTENSION OF TIME
TO ANSWER OR OTHERWISE RESPOND
TO PLAINTIFFS' COMPLAINT

Pursuant to Federal Rule of Civil Procedure 6(b) and Local Civil Rule 7.1 of the U.S. District Court for the Northern District of Texas, Defendant Rural Media Group, Inc. (“RMG”) hereby submits this Opposed Motion for Extension of Time to Answer and Otherwise Respond and respectfully requests that the Court grant a 30-day extension for RMG to answer or otherwise respond to Plaintiffs Ellyse Wissel, Michelle Anderson, and McLain Mott’s (“Plaintiffs”) Class Action Complaint (“Complaint”). In support of this Motion, RMG respectfully states as follows:

1. Plaintiffs filed the Complaint on October 18, 2024. (Dkt. No. 1.)
2. On October 18, 2024, RMG offered to accept a Fed. R. Civ. P. 4(d) waiver of service request which would have given RMG 60 days to respond to the Complaint. However, Plaintiffs refused to send one.
3. RMG was served with the Complaint on October 22, 2024 and Plaintiff refused to consent to more than an 8-day extension of time to respond.

4. This Court granted RMG an 8-day extension, and RMG's responsive pleading deadline is currently November 20, 2024.

5. There is an earlier-filed putative class action pending in the U.S. District Court for the Central District of California, *Saarloos v. The Cowboy Channel, LLC*, No. 5:24-cv-2058, filed on September 25, 2024. A copy of the *Saarloos* complaint is attached hereto as **Exhibit A**. The plaintiffs in both the *Saarloos* action and this case allege that they subscribed to the same website, <https://www.cowboychannelplus.com>; that the defendant disclosed certain allegedly personally identifiable information to Meta Platforms, Inc., Google LLC, and Yahoo, Inc. via technology on the website; and that the alleged disclosures violate the Video Privacy Protection Act ("VPPA"), 18 U.S.C. § 2710. The Cowboy Channel, LLC is a wholly owned subsidiary of RMG. The *Saarloos* plaintiff seeks to represent a putative class defined as: "all persons in the United States who subscribed to CC+, watched videos on the Website, and subsequently had their PII transmitted to a third party." (Ex. A, ¶ 78.) The Plaintiffs in this case seek to represent a putative class defined as: "all persons in the United States who, during the two years preceding the filing of this action who subscribed to the Website (www.cowboychannelplus.com) and had their personally identifiable information transmitted to a third party." (ECF 1 ¶ 121.)

6. RMG is exploring the possibility of an early resolution on a class-wide basis in *Saarloos*, which may moot this case. (See Dkt. No. 10).

7. On November 15, 2024, RMG conferred with Plaintiff's counsel in this case to ask whether they would consent to transfer this later-filed case to the venue of the earlier-filed action so that both cases could be consolidated. Plaintiff's counsel stated they would oppose any motion to transfer.

8. On November 18, 2024, RMG conferred with Plaintiff's counsel in this case to ask for a 30-day extension of time to respond to the Complaint so that RMG could continue to evaluate the most efficient path forward in light of the two cases seeking to represent the same putative class. Plaintiff's counsel stated they oppose any extension.

9. In light of the complexities involved in these two overlapping cases, RMG needs additional time to determine the most appropriate response to the Complaint in this case.

10. For all of these reasons, RMG respectfully requests that RMG's responsive pleading deadline be extended by 30 days, from November 20, 2024 up to and including December 20, 2024.

11. The extension requested herein is for good cause and is not for the purposes of delay or other improper purpose. Accordingly, the requested extension will not prejudice the orderly administration of this matter and will promote judicial efficiency.

12. No deadlines have been set in this case, so the requested extension will not have any impact on other case deadlines.

WHEREFORE, Defendant Rural Media Group, Inc. respectfully requests that the Court extend the deadline for RMG to answer or otherwise respond to Plaintiffs' Complaint by 30 days, from November 20, 2024 up to and including December 20, 2024.

CERTIFICATE OF CONFERENCE

On November 18 and 19, 2024, counsel for Defendant conferred with Tyler Somes, counsel for Plaintiffs, and he opposes the relief requested.

Dated: November 20, 2024

Respectfully submitted,

BAKER & HOSTETLER LLP

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Rural Media Group, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of November 2024, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Rachel Palmer Hooper
Rachel Palmer Hooper